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Attorneys for Defendants  
CLEANSOURCE, INC., ET AL.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JAMES L. GARCIA,

Plaintiff,

vs.

CLEANSOURCE, INC., ET AL.

Defendants.

Case No. C 08-04506 JF (PVT)

**STIPULATION & [PROPOSED] ORDER  
REGARDING MEDIATION;  
ALLOWING THE FILING OF A  
COUNTERCLAIM; AND RE-SETTING  
CASE MANAGEMENT CONFERENCE  
AND RELATED DEADLINES**

This matter is currently set for a Case Management Conference on February 6, 2009 at 10:30 a.m. in Courtroom 3 of the above-entitled Court. The parties wish to mediate this matter prior to engaging in formal disclosures and other required court proceedings, in an effort to resolve the matter with a minimum expenditure of time and expense, while also preserving the parties' rights if the case is not settled. The parties and their counsel therefore believe it would be in the interests of the parties and of judicial efficiency and economy to allow the parties to

1 mediate the matter, allow the Defendant to file a counterclaim, and to re-set the Case  
2 Management Conference and affiliated deadlines to date(s) after the mediation has been held.

3 Therefore, the parties hereby jointly stipulate as follows:

- 4 1. That the matter will be mediated pursuant to the Northern District of California's  
5 ADR mediation program (ADR Local Rule 6), with the goal of completing the  
6 mediation by the end of January, 2009.
- 7 2. That the Defendant will provide the documents that Plaintiff has requested by letter  
8 on or before December 22, 2008.
- 9 3. That the Defendant be allowed to file an amended answer which includes a  
10 counterclaim in the form attached hereto.
- 11 4. That the Case Management Conference be re-set to a date in or after February, 2009.
- 12 5. That all F.R.C.P. deadlines be re-set to coincide with the new Case Management  
13 Conference date.

14 IT IS SO STIPULATED.

15  
16 Dated: December 16, 2008

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17 Stephan A. Barber  
Attorney for Plaintiff  
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20 Dated: December 16, 2008

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21 Dov M. Grunschlag  
Attorney for Defendant  
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23 I, Dov M. Grunschlag, do hereby attest that concurrence in the filing of this stipulation  
24 has been obtained from the other signatory.

25 WITH GOOD CAUSE SHOWN:

- 26 1. The above-entitled action is hereby ordered to mediation pursuant to Rule 6 of the  
27 ADR Local Rules of the United States District Court for the Northern District of  
28 California; such mediation to be completed by January 31, 2009.

2. Defendant shall file an amended answer and counterclaim in the form attached hereto on or before January 31, 2009.
3. The Case Management Conference is hereby re-set for February 20, 2009 at 10:30 a.m. in Courtroom 3.
4. The following deadlines are hereby re-set as follows:
  - a. February 6, 2009: Last day to meet and confer re: initial disclosures, early settlement, and discovery plan;
  - b. February 13, 2009: Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report, and file Case Management Statement per the San Jose General Standing Order Regarding Case Management in Civil Cases.

IT IS SO ORDERED.

Dated: 12/17/08



THE HON. JEREMY FOGEL  
Judge, U.S. District Court  
Northern District of California